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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 OPEN TEXT S.A.,

15 Plaintiff,

16 v.

17 ALFRESCO SOFTWARE LTD.;
18 ALFRESCO SOFTWARE, INC.; and
CARAHSOFT TECHNOLOGY
19 CORPORATION,

20 Defendants.
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Case No. C 13-04843 JD

**STATEMENT OF RECENT
DECISION REGARDING
DEFENDANTS' MOTION TO
DISMISS (DKT NO. 35)**

DEMAND FOR JURY TRIAL

On August 23, 2013, a defendant in the *Ultramercial, Inc. v. Hulu, LLC*, 722 F.3d 1335 (Fed. Cir. 2013) case, sought certiorari of the Federal Circuit's decision. On June 30, 2014, the Supreme Court granted certiorari, vacated the Federal Circuit's decision in *Ultramercial* without opinion, and remanded the case to the Federal Circuit for further consideration in light of *Alice Corp. v. CLS Bank Int'l*, 573 U.S. ____ (2014). *WildTangent, Inc. v. Ultramercial, LLC, et al.*, Case No. 13-255, 573 U.S. ____ (June 30, 2014)¹, vacating *Ultramercial*, 722 F.3d 1335. The Supreme Court took no position with regard to question presented in the petition for certiorari or the merits of the Federal Circuit's decision in *Ultramercial*. See *WildTangent*, Case No. 13-255, 573 U.S. ____ (June 30, 2014) (Ex. A.).

Dated: July 7, 2014

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s/ Sarah J. Guske

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¹ The Supreme Court's decision vacating *Ultramercial* is attached hereto as Exhibit A.